



March 19, 2019

Item No. 6

AUTHORIZATION FOR INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF CHICAGO'S DEPARTMENT OF ADMINISTRATIVE HEARINGS

Presenter: Derek Messier, Chief Property Officer

RECOMMENDATION

It is recommended that the Board of Commissioners ("Board") authorize the Chief Executive Officer or his designee to enter into a new intergovernmental agreement ("IGA") with the City of Chicago's Department of Administrative Hearings ("DoAH") to provide formal administrative hearings for CHA residents for the period of April 1, 2019 through March 31, 2022, for an amount not-to-exceed \$50,000.00, and one (1), 2-year option term for an amount not-to-exceed \$30,000.00, for the period of April 1, 2022 through March 31, 2024, which shall be exercised at the discretion of the Chief Executive Officer or his designee, subject to funding availability and satisfactory contract performance before the expiration of the three-year base term.

The requested action complies in all material respects with all applicable federal, state and local laws, and Chicago Housing Authority Board policies. Staff have completed all necessary due diligence to support the submission of this initiative.

FUNDING

General Funding

Vendor: City of Chicago, Department of Administrative Hearings

Vendor Address: 740 North Sedgwick Street Chicago, IL 60610

Contract Type: Professional Services

Original Contract Amount: \$50,000.00 for 3-year term

Original Contract Term: April 1, 2019 through March 31, 2022

Option Term Amount: \$30,000.00 (One, 2-year option (April 1, 2022 - March 31, 2024))

MBE/WBE/DBE Participation: N/A

Section 3: Not feasible

BACKGROUND

CHA's Admissions and Occupancy Policy ("ACOP") provides a Grievance Procedure for tenants whose occupancy rights are terminated for various violations of HUD regulations. The Grievance Procedure does not extend to Tenants terminated because of criminal violations. Under the Grievance Procedure, a tenant's grievance is initially heard by CHA's Private Property Manager on an informal basis. If the tenant is dissatisfied with the outcome, that tenant has a right to file for a formal grievance hearing. Prior to 2004, attorneys in the Office of the General Counsel acted as the administrative hearing officers to hear the tenants' grievances and adjudicated tenants' formal grievances. CHA amended its Grievance Procedure in the late part of 2003 requiring administrative hearings.

DoAH's function is to provide administrative hearings for the City. Therefore, it was in a unique position to assist the CHA with this particular governmental service, although the City Council had to pass an ordinance in 2004 allowing DoAH to hold administrative hearings on behalf of the CHA. This will be the fourth IGA with DoAH since 2004 and will allow the CHA to continue its formal Grievance Procedure that was implemented in 2004, utilizing DoAH's administrative hearing officers. Specifically, the IGA continues to allow CHA residents to participate in formal grievance hearings before independent hearing officers at DoAH's offices. The IGA utilizes DoAH's existing administrative procedures to schedule and hold the hearings as well as report the results to CHA and residents.

Under previous IGAs with DoAH, hearing officers have been trained regarding applicable HUD regulations, federal statutes, and CHA policies and procedures, including but not limited to, the CHA's amended Resident's Grievance Procedure and the CHA Leaseholder Housing Choice and Relocation Rights Contract 10/1/99. The CHA forwards residents' requests for formal hearings to DoAH. DoAH appoints a hearing officer to adjudicate each case based on the officers' workload and availability. The hearing officer schedules and holds the formal hearing within a specified timeframe and notifies the parties of the time and location for the hearing, as outlined in the amended Grievance Procedure. If requested by the resident, DoAH provides reasonable accommodations to persons with disabilities. This may include holding hearings in an alternative location and/or providing all materials and notices in an accessible format. After the hearing, the hearing officer prepares a decision and a written summary of the hearing and sends it to the appropriate parties, also as outlined in the amended Grievance Procedure.

The average cost of an administrative hearing through DoAH has been approximately \$375 based on five (5) hours for the hearing officer at \$60.00 per hour plus a \$75.00 filing fee for each case. Over the past 5 years, CHA has averaged approximately 40 - 60 formal grievance hearings with DoAH per year.

The Chief Executive Officer recommends entering into a new intergovernmental agreement (“IGA”) with the City of Chicago’s Department of Administrative Hearings (“DoAH”) to provide formal administrative hearings for CHA residents for the period of April 1, 2019 through March 31, 2022, for an amount not-to-exceed \$50,000.00, and one (1), 2-year option term for an amount not-to-exceed \$30,000.00, for the period of April 1, 2022 through March 31, 2024, which shall be exercised at the discretion of the Chief Executive Officer or his designee, subject to funding availability and satisfactory contract performance before the expiration of the three-year base term.

Respectfully Submitted:

James L. Bebley
Chief Legal Officer

RESOLUTION NO. 2019-CHA-

WHEREAS, the Board of Commissioners has reviewed the Board letter dated March 19, 2019, entitled "AUTHORIZATION FOR INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF CHICAGO'S DEPARTMENT OF ADMINISTRATIVE HEARINGS";

THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CHICAGO HOUSING AUTHORITY:

THAT, the Board of Commissioners authorizes the Chief Executive Officer or his designee to enter into a new intergovernmental agreement ("IGA") with the City of Chicago's Department of Administrative Hearings ("DoAH") to provide formal administrative hearings for CHA residents for the period of April 1, 2019 through March 31, 2022, for an amount not-to-exceed \$50,000.00, and one (1), 2-year option term for an amount not-to-exceed \$30,000.00, for the period of April 1, 2022 through March 31, 2024, which shall be exercised at the discretion of the Chief Executive Officer or his designee, subject to funding availability and satisfactory contract performance before the expiration of the three-year base term.

Eugene E. Jones, Jr.
Chief Executive Officer
Chicago Housing Authority